

Message

From: Stephen Fotis [scf@vnf.com]
Sent: 8/15/2018 10:49:47 PM
To: Cook, Steven [cook.steven@epa.gov]
CC: Brooks, Becky [Brooks.Becky@epa.gov]; Hilosky, Nick [Hilosky.Nick@epa.gov]; Talley, Robert [rob@talleyandassociatesinc.com]
Subject: Follow-up on CCR Closure Issues
Attachments: Extension of Closure Deadlines.docx; EPA CCR Issue 7-19-18 - Closure Requirements for Inactive Surface Impoundments.DOCX

Steven – I am following up regarding discussions that Rob Talley and I had with you and your staff in late July on CCR closure issues. In particular, I would like to request a meeting on these closure issues at your earliest convenience, if possible before the end of August.

For your reference, one of the closure issues discussed during our prior meeting related to the applicability of the groundwater monitoring requirements to inactive surface impoundments that have completed clean closure before the applicable groundwater monitoring deadline for inactive impoundments (April 17, 2019). As we discussed during our meeting, it did not make sense and would not be a good use of limited resources to require the completion of groundwater monitoring in the case of those impoundments for which clean closure has already been completed. The second closure issue discussed pertained to securing additional time for completing closure when the additional time is needed to remove the CCR materials for beneficial closure. As you know, the current rules impose an inflexible 5-year deadline for completing closure in the case of those surface impoundments subject to the forced closure requirements of section 257.101. Completing closure within this 5-year period is simply not enough time for those impoundments wanting to remove the CCR for beneficial use.

As a follow-up to our last meeting, we would like to schedule another meeting in order to give you additional details regarding each of these closure situations as well as outline our thoughts on how these two issues might be addressed in light of the guidance that you provided us during our last meeting. For your reference, I am attaching the two briefing documents that we provided to you for our last meeting, as well as including the email thread for our initial meeting request on these two issues. It is our plan to provide you and your staff additional briefing papers and materials in advance of next meeting in order to ensure the productivity of our discussions.

Thank you for your interest and efforts in working with us on these issues.
Best regards,
Stephen

Stephen Fotis
Partner
Van Ness Feldman LLP
scf@vnf.com
(202) 298-1908

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From: Stephen Fotis
Sent: Friday, July 20, 2018 8:29 AM
To: 'Cook, Steven'; Johnson, Barnes; Devlin, Betsy; Hostage, Barbara; Brooks, Becky; Hilosky, Nick; 'rob@talleyandassociatesinc.com'
Cc: Breen, Barry
Subject: RE: (Outside Guests) CCR Closure Issues

All – Attached below are the materials that we plan to discuss during our meeting scheduled for 1 PM today on CCR closure issues. Please forward these materials to other EPA staff who may have been invited to our 1 PM meeting. Those attending on our side will be Rob Talley and myself (Stephen Fotis). Our agenda for the meeting include the following topics:

- The closure deadlines for surface impoundments subject to the forced closure requirements of section 257.101.
- The groundwater monitoring requirements of inactive surface impoundments that have completed clean closure before the applicable groundwater monitoring deadline (April 17, 2019).
- The groundwater monitoring requirements during the post-closure period for impoundments that complete clear closure.

We look forward to meeting with you at 1 PM this afternoon.
Stephen

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-----Original Appointment-----

From: Brooks.Becky@epa.gov [mailto:Brooks.Becky@epa.gov] **On Behalf Of** Cook, Steven
Sent: Thursday, July 12, 2018 7:26 AM
To: Cook, Steven; Johnson, Barnes; Devlin, Betsy; Hostage, Barbara; Brooks, Becky; Hilosky, Nick; 'rob@talleyandassociatesinc.com'; Stephen Fotis
Cc: Breen, Barry
Subject: (Outside Guests) CCR Closure Issues
When: Friday, July 20, 2018 1:00 PM-1:45 PM (UTC-05:00) Eastern Time (US & Canada).
Where: 1301 Constitution Ave. NW Washington, DC 20004 EPAWest/ Room 3146

POC: Nick Hilosky – 566-1942
Teresa Hill - 566-0184
Knolyn Jones (scheduler) 564-6262

Security:

Please have the guards call OLEM's main number **202-566-0200** for an escort when you arrive.

Closest Metro Station - Federal Triangle Metro on the Orange/Blue/Silver lines

Our Address:

William J. Clinton Building West

1301 Constitution Ave, NW

(On Constitution between 14th and 13th across from the National Museum of American History)

Stephen Fotis

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